

0010209

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7 Attorney for Defendants
8 Salvatore Navarra, Trustee
9 of the Navarra Survivor's Trust
10 Dated November 9, 1989;
11 Anthony G. Navarra, Trustee of
12 the Anthony G. Navarra
13 Separate Trust Dated January
14 13, 2000; Adeline M. Massa;
15 Jack Robert Wilson, dba,
16 Paradise Antiques and
17 Interiors

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14 CHRIS LANGER,
15 Plaintiff,
16 v.

17 SALVATORE NAVARRA, TRUSTEE
18 OF THE NAVARRA SURVIVOR'S
19 TRUST DATED NOVEMBER 9, 1989;
20 ANTHONY G. NAVARRA, TRUSTEE
21 OF THE ANTHOINY G. NAVARRA
22 SEPARATE TRUST DATED JANUARY
23 13, 2000; ADELINE M.MASSA;
24 JACK ROBERT WILSON, DOING
25 BUSINESS AS PARADISE ANTIQUES
26 AND INTERIORS, and Does 1
27 though 100, inclusive,
28 Defendants.

FILED
06 SEP 15 PM 1:56
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PTL

DEPUTY

CASE NO.

NOTICE OF REMOVAL OF ACTION
[28 U.S.C. § 1441(b) FEDERAL
QUESTION]

'06CV 1895 W

NLS

25 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

26 PLEASE TAKE NOTICE THAT Defendants Salvatore Navarra,
27 Trustee of the Navarra Survivor's Trust Dated November 9, 1989;
28 Anthony G. Navarra, Trustee of the Anthony G. Navarra Separate

CR

1 Trust Dated January 13, 2000; Adeline M. Massa, and Jack Robert
2 Wilson, dba, Paradise Antiques and Interiors, hereby remove to
3 this Court the state court action described below.

4 1. On August 24, 2006, an action was commenced in the
5 Superior Court of the State of California in and for the County
6 of San Diego; entitled Chris Langer v. Salvatore Navarra, et al,
7 Case Number GIE 033824. (See Complaint, Exhibit "A," attached
8 hereto.)

9 2. The first date upon which any defendant could have been
10 served was August 24, 2006. (See Summons, Exhibit "B," attached
11 hereto.)

12 3. This is a civil action of which the federal courts have
13 original jurisdiction under 28 U.S.C. section 1332, and may be
14 removed to the federal courts by defendants pursuant to 28 U.S.C.
15 section 1441(b), in that the action purportedly arises under 42
16 United States Code section 12205.

17 4. All defendants join in this Notice of Removal.

18 Dated: September 15, 2006

19 By: 

20 Richard J. Vattuone
21 Attorney for Defendants
22 Salvatore Navarra, Trustee
23 of the Navarra Survivor's
24 Trust Dated November 9, 1989;
25 Anthony G. Navarra, Trustee
26 of the Anthony G. Navarra
27 Separate Trust Dated January
28 13, 2000; Adeline M. Massa;
Jack Robert Wilson, dba,
Paradise Antiques and
Interiors

1120184

EXHIBIT "A"

CENTER FOR DISABILITY ACCESS, LLP
M. ERIC PARKAN, ESQ., SBN 35687
MARK D. POTTER, ESQ., SBN 16621733824
RUSSELL C. HANDY, ESQ., SBN 193058
100 East San Marcos Blvd., Suite 400
San Marcos, CA 92069-2988
(760) 480-4162
Fax (760) 480-4170

FILED
SANDIEGO COUNTY DISTRICT COURT
2006 AUG 24 AM 11:49
SANDIEGO COUNTY, CA

FILED
SANDIEGO COUNTY DISTRICT COURT
2006 AUG 24 AM 11:49
SANDIEGO COUNTY, CA

Attorney for Plaintiff, CHRIS LANGER

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

CHRIS LANGER,

Plaintiff,

v.

SALVATORE NAVARRA, TRUSTEE
OF THE NAVARRA SURVIVOR'S
TRUST DATED NOVEMBER 9, 1989;
ANTHONY G. NAVARRA, TRUSTEE
OF THE ANTHONY G. NAVARRA
SEPARATE PROPERTY TRUST
DATED JANUARY 13, 2000;
ADELLINE M. MASSA; JACK ROBERT
WILSON, DOING BUSINESS AS
PARADISE ANTIQUES & INTERIORS,
and DOES 1 through 100, inclusive,

Defendants.

Case No.:

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR
VIOLATIONS OF: AMERICAN'S
WITH DISABILITIES ACT; UNRUH
CIVIL RIGHTS ACT; CALIFORNIA
DISABLED PERSONS ACT;
NEGLIGENCE**

DEMAND FOR JURY

Plaintiff CHRIS LANGER complains of Defendants SALVATORE NAVARRA, TRUSTEE OF THE NAVARRA SURVIVOR'S TRUST DATED NOVEMBER 9, 1989; ANTHONY G. NAVARRA, TRUSTEE OF THE ANTHONY G. NAVARRA SEPARATE PROPERTY TRUST DATED JANUARY 13, 2000; ADELLINE M. MASSA; JACK ROBERT WILSON, DOING BUSINESS AS PARADISE ANTIQUES & INTERIORS, and DOES 1 through 100, inclusive, (hereinafter referred to as "Defendants") and alleges as follows:

1 **PARTIES:**

2 1. Plaintiff is a California resident with physical disabilities. He is a paraplegic,
3 who cannot walk, and uses a wheelchair for mobility.

4 2. Defendants are or were at the time of the incident the owners and operators
5 and/or lessors and lessees of the Antique and interior store located at 145 W.
6 Washington Street, San Diego, California.

7 3. Plaintiff does not know the true names of Defendants, their business
8 capacities, their ownership connection to the property and business, or their relative
9 responsibilities in causing the access violations herein complained of, and alleges a
10 joint venture and common enterprise by all such Defendants. Plaintiff is informed and
11 believes that each of the Defendants herein, including DOES 1 through 100, inclusive,
12 is responsible in some capacity for the events herein alleged, or is a necessary party for
13 obtaining appropriate relief. Plaintiff will seek leave to amend when the true names,
14 capacities, connections, and responsibilities of the Defendants and DOES 1 through
15 100, inclusive, are ascertained

16 **FACTUAL ALLEGATIONS:**

17 4. The Antique and interior store is a facility open to the public, a place of
18 public accommodation, and a business establishment.

19 5. The Plaintiff went to the Antique and interior store on June 11, 2006, with a
20 friend, to shop for furnishings for his home.

21 6. During Plaintiff's visit, he encountered various violations of the Americans
22 with Disabilities Act Accessibility Guidelines ("ADAAG") and Title 24 of the
23 California Code of Regulations, including, but not limited to, there was a lack of an
24 accessible path of travel into the store, there was a lack of properly marked and
25 configured van accessible parking and there was a lack of accessible disabled parking.

26 7. Naturally, Plaintiff LANGER was frustrated, angry and/or vexed as a result of
27 encountering these conditions, these violations of his civil rights, and the lack of safe,
28 convenient and accessible facilities. Although these injuries are modest in scope and

1 did not result in any loss of wages or economic damage or medical care or attention, the
 2 continued violation of the plaintiff's civil rights by these defendants and the highly
 3 unpleasant emotional distress caused by such unlawful treatment is attributable to the
 4 actions or inactions of the defendants and plaintiff seeks redress from these defendants
 5 for such injury.

6 8. Plaintiff would like to return and patronize the Defendants' Antique and
 7 interior store but because of plaintiff's knowledge of the existence of the inaccessible
 8 conditions and policies, the plaintiff is unable to use the Antique and interior store on a
 9 "full and equal" basis until the Antique and interior store is brought into compliance
 10 with the provisions of the Americans with Disabilities Act Accessibility Guidelines and
 11 state accessibility law as pled herein. Plaintiff has been and currently is being deterred
 12 from returning and patronizing the Defendants' Antique and interior store.

13 **I. FIRST CAUSE OF ACTION: VIOLATION OF THE AMERICANS WITH**
 14 **DISABILITIES ACT OF 1990 (On behalf of Plaintiff and Against All Defendants (42**
U.S.C. section 12101, et seq.)

15 9. The defendants are persons who either own, operate, lease or lease to a place
 16 of public accommodation. As such, the Defendants are required to (1) ensure that all
 17 construction, alteration, or modification is barrier free and complies with the Americans
 18 with Disabilities Act Accessibility Guidelines ("ADAAG") and Title 24 of the
 19 California Code of Regulations (aka "California Building Code"); and/or (2) remove all
 20 existing barriers where such removal is "readily achievable." The Defendants have
 21 failed to meet these obligations. The existence of readily achievable removed barriers
 22 and barriers in violation of the ADAAG and/or California Building Code, including,
 23 but not limited to, there was a lack of an accessible path of travel into the store, there
 24 was a lack of properly marked and configured van accessible parking and there was a
 25 lack of accessible disabled parking, is unlawful and has resulted in the defendants'
 26 failure to provide full and equal accommodations, advantages, facilities, privileges
 27 and/or services to the plaintiff.

28 **II. SECOND CAUSE OF ACTION: VIOLATION OF THE UNRUH CIVIL**
RIGHTS ACT (On behalf of Plaintiff and Against All Defendants) (Cal Civ § 51-53)

10. The defendants are persons who either own, operate, lease or lease to a place of public accommodation or business establishment. As such, the Defendants are required to (1) ensure that all construction, alteration, or modification is barrier free and complies with the Americans with Disabilities Act Accessibility Guidelines ("ADAAG") and Title 24 of the California Code of Regulations (aka "California Building Code"); and (2) remove all existing barriers where such removal is "readily achievable." The Defendants have failed to meet these obligations. The existence of readily achievable removed barriers and barriers in violation of the ADAAG and/or California Building Code, including, but not limited to, there was a lack of an accessible path of travel into the store, there was a lack of properly marked and configured van accessible parking and there was a lack of accessible disabled parking, is unlawful and has resulted in the defendants' failure to provide full and equal accommodations, advantages, facilities, privileges and/or services to the plaintiff.

11. The acts alleged above, which form the basis of the plaintiff's discrimination claim, are intentional acts.

III. THIRD CAUSE OF ACTION: VIOLATION OF THE CALIFORNIA DISABLED PERSONS ACT (On behalf of Plaintiff and Against All Defendants) (Cal Civ § 54-54.8)

12. The defendants are persons who either own, operate, lease or lease to a place of public accommodation or a facility open to the public. As such, the Defendants are required to (1) ensure that all construction, alteration, or modification is barrier free and complies with the Americans with Disabilities Act Accessibility Guidelines ("ADAAG") and Title 24 of the California Code of Regulations (aka "California Building Code"); and (2) remove all existing barriers where such removal is "readily achievable." The Defendants have failed to meet these obligations. The existence of readily achievable removed barriers and barriers in violation of the ADAAG and/or California Building Code, including, but not limited to, there was a lack of an accessible path of travel into the store, there was a lack of properly marked and

1 configured van accessible parking and there was a lack of accessible disabled parking,
2 is unlawful and has resulted in the defendants' failure to provide full and equal
3 accommodations, advantages, facilities, privileges and/or services to the plaintiff.

4 **IV. FOURTH CAUSE OF ACTION: NEGLIGENCE** (On behalf of Plaintiff and
5 Against All Defendants)

6 **13.** The defendants had a general duty and a duty arising under the Americans
7 with Disabilities Act and the Unruh Civil Rights Act and California Disabled Persons
8 Act to provide safe, convenient, and accessible facilities to the plaintiff in the running
9 of their Antique and interior store. Their breach of this duty, as alleged in the
10 preceding paragraphs, has caused injury and damage as alleged above.

11 **PRAYER:**

12 Wherefore, Plaintiff prays that this court award damages and provide relief as
13 follows:

14 **1.** For injunctive relief, compelling Defendants to comply with the Americans
15 with Disabilities Act and the Unruh Civil Rights Act. **Note:** the plaintiff is not
16 invoking section 55 of the California Civil Code and is not seeking injunctive relief
17 under that section.

18 **2.** Damages under the Unruh Civil Rights Act and/or the California Disabled
19 Persons Act;

20 **3.** Reasonable attorneys' fees, litigation expenses and costs of suit, pursuant to
21 42 U.S.C. § 12205; Cal. Civ. Code §§ 52 and 54.3 and Cal. Civ. Proc. § 1021.5.

22 Dated: August 16, 2006

CENTER FOR DISABILITY ACCESS, LLP

23 By: 

24 MARK D. POTTER
25 Attorneys for Plaintiff
26
27
28

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury for all claims for which a jury is permitted.

Dated: August 16, 2006

CENTER FOR DISABILITY ACCESS, LLP

By: 

MARK D. POTTER
Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

INDEPENDENT CALENDAR CLERK
250 E. Main Street
El Cajon, CA 92020

TO:

MARK D. POTTER
CENTER FOR DISABILITY ACCESS, LLP
100 EAST SAN MARCOS BLVD., STE. 400
SAN MARCOS, CA 92069

CHRIS LANGER

Plaintiff(s)

vs.

SALVATORRE NAVARRA

Defendant(s)

Case No.: GIE033824

NOTICE OF CASE ASSIGNMENT

Judge: JAN I. GOLDSMITH

Department: 15

Phone: 619-441-4694

COMPLAINT FILED 08/24/06

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document. (Rule 2.5)

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.) (Rule 2.6)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service. (Rule 2.7)

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING.

ALSO SEE THE ATTACHED NOTICE TO LITIGANTS.

CERTIFICATE OF SERVICE

I certify that I am not a party to the above-entitled case; on the date shown below, I served this notice on the parties shown by personally handing it to the attorney or their personal representative at **EL CAJON** California.

DATED: 08/24/06

BY: CLERK OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

INDEPENDENT CALENDAR CLERK

250 E. Main Street

El Cajon, CA 92020

TO:

CHRIS LANGER

Plaintiff(s)

vs.

SALVATORRE NAVARRA

Defendant(s)

Case No.: GIE033824

**STIPULATION TO USE OF
ALTERNATIVE DISPUTE
RESOLUTION PROCESS
(CRC 1590.1)**

Judge: JAN I. GOLDSMITH

Department: 15

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution process. Selection of any of these options will not delay any case management time-lines.

☐ Court-Referred Mediation Program☐ Private Neutral Evaluation☐ Private Mini-Trial☐ Private Summary Jury Trial☐ Private Settlement Conference With Private Neutral☐ Other (specify): _____☐ Court-Ordered Nonbinding Arbitration
(Cases valued at \$50,000 or less)☐ Court-Ordered Binding Arbitration (Stipulated)☐ Private Reference to General Referee☐ Private Reference to Judge☐ Private Binding Arbitration

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) _____

Alternate: (mediation & arbitration only) _____

Date: _____

Date: _____

Name of Plaintiff _____

Name of Defendant _____

Signature _____

Signature _____

Name of Plaintiff's Attorney _____

Name of Defendant's Attorney _____

Signature _____

Signature _____

(Attach another sheet if additional names are necessary). It is the duty of the parties to notify the court of any settlement pursuant to California Rules of Court, Rule 225. Upon notification of the settlement the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court and all unserved, non-appearing or actions by named parties are dismissed.

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT

NOTICE TO LITIGANTS/ADR INFORMATION PACKAGE

You are required to serve a copy of this Notice to Litigants/ADR Information Package and a copy of the blank Stipulation to Use of Alternate Dispute Resolution Process (received from the Civil Business Office at the time of filing) with a copy of the Summons and Complaint on all defendants in accordance with San Diego Superior Court Rule 2.5, Division II and CRC Rule 201.9.

ADR POLICY

It is the policy of the San Diego Superior Court to strongly support the use of Alternative Dispute Resolution ("ADR") in all general civil cases. The court has long recognized the value of early case management intervention and the use of alternative dispute resolution options for amenable and eligible cases. The use of ADR will be discussed at all Case Management Conferences. It is the court's expectation that litigants will utilize some form of ADR – i.e. the court's mediation or arbitration programs or other available private ADR options as a mechanism for case settlement before trial.

ADR OPTIONS

1) CIVIL MEDIATION PROGRAM: The San Diego Superior Court has established a Civil Mediation Program to replace the Mediation Pilot Program established by Code of Civil procedure sections 1730 et seq. The Civil Mediation Program, in effect for cases filed on or after May 1, 2003 or upon stipulation, is designed to assist parties with the early resolution of their dispute. All general civil independent calendar cases, including construction defect, complex and eminent domain cases are eligible to participate in the program. Limited civil collection cases are not eligible at this time. San Diego Superior Court Local Rule 2.31, Division II addresses this program specifically. Mediation is a non-binding process in which a trained mediator 1) facilitates communication between disputants, and 2) assists parties in reaching a mutually acceptable resolution of all or part of their dispute. In this process, the mediator carefully explores not only the relevant evidence and law, but also the parties' underlying interests, needs and priorities. The mediator is not the decision-maker and will not resolve the dispute -- the parties do. Mediation is a flexible, informal and confidential process that is less stressful than a formalized trial. It can also save time and money, allow for greater client participation and allow for more flexibility in creating a resolution.

Assignment to Mediation, Cost and Timelines: Parties may stipulate to mediation at any time up to the CMC or may stipulate to mediation at the CMC. Mediator fees and expenses are split equally by the parties, unless otherwise agreed. Mediators on the court's approved panel have agreed to the court's payment schedule for court-referred mediation: \$150.00 per hour for each of the first two hours and their individual rate per hour thereafter. Parties may select any mediator, however, the court maintains a panel of court-approved mediators who have satisfied panel requirements and who must adhere to ethical standards. All court-approved mediator fees and other policies are listed in the Mediator Directory at each court location to assist parties with selection. **Discovery:** Parties do not need to conduct full discovery in the case before mediation is considered, utilized or referred. **Attendance at Mediation:** Trial counsel, parties and all persons with full authority to settle the case must personally attend the mediation, unless excused by the court for good cause.

2) JUDICIAL ARBITRATION: Judicial Arbitration is a binding or non-binding process where an arbitrator applies the law to the facts of the case and issues an award. The goal of judicial arbitration is to provide parties with an adjudication that is earlier, faster, less formal and less expensive than trial. The arbitrator's award may either become the judgment in the case if all parties accept or if no trial de novo is requested within the required time. Either party may reject the award and request a trial de novo before the assigned judge if the arbitration was non-binding. If a trial de novo is requested, the trial will usually be scheduled within a year of the filing date.

Assignment to Arbitration, Cost and Timelines: Parties may stipulate to binding or non-binding judicial arbitration or the judge may order the matter to arbitration at the case management conference, held approximately 150 days after filing, if a case is valued at under \$50,000 and is "at issue". The court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. In addition, if parties select an arbitrator from the court's panel, the court will pay the arbitrator's fees. Superior Court Local Rules Division II Chapter III and Code of Civil Procedure 1141 et seq. address this program specifically.

3) SETTLEMENT CONFERENCES: The goal of a settlement conference is to assist the parties in their efforts to negotiate a settlement of all or part of the dispute. Parties may, at any time, request a settlement conference before the judge assigned to their case; request another assigned judge or a pro tem to act as settlement officer; or may privately utilize the services of a retired judge. The court may also order a case to a mandatory settlement conference prior to trial before the court's assigned Settlement Conference judge.

4) OTHER VOLUNTARY ADR: Parties may voluntarily stipulate to private ADR options outside the court system including private binding arbitration, private early neutral evaluation or private judging at any time by completing the "Stipulation to Use Alternative Dispute Resolution Process" which is included in this ADR Package. Parties may also utilize mediation services offered by programs that are partially funded by the county's Dispute Resolution Programs Act. These services are available at no cost or on a sliding scale based on need. For a list of approved DRPA providers, please contact the County's DRPA program office at (619) 338-2797.

ADDITIONAL ADR INFORMATION: For more information about the Civil Mediation Program, please contact the Civil Mediation Department at (619) 515-8908. For more information about the Judicial Arbitration Program, please contact the Arbitration Office at (619) 531-3818. For more information about Settlement Conferences, please contact the Independent Calendar department to which your case is assigned. Please note that staff can only discuss ADR options and cannot give legal advice.

CM-010

FOR COURT USE ONLY

2006 AUG 24 AM 11:49

CLERK OF SUPERIOR COURT
SAN DIEGO COUNTY, CA

GIE033824

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

MARK D POTTER M. ERIC PARKAN SBN 166317/35687
100 E San Marcos Blvd #400 San Marcos Ca 92069
SAN MARCOS CA 92069

TELEPHONE NO.: 760-480-4162

FAX NO.: 760-480-4170

ATTORNEY FOR (Name): CHRIS LANGER

GIE033824

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

STREET ADDRESS: 330 W. BROADWAY

MAILING ADDRESS: 330 W. BROADWAY

CITY AND ZIP CODE: SAN DIEGO CA 92101

BRANCH NAME: CENTRAL

CASE NAME:

LANGER V. NAVARRA ET AL

CIVIL CASE COVER SHEET

- ☒ Unlimited (Amount demanded exceeds \$25,000) ☐ Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

- ☐ Counter ☐ Joinder

Filed with first appearance by defendant
(Cal. Rules of Court, rule 1811)

CASE NUMBER:

JUDGE:

DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- ☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- ☐ Business tort/unfair business practice (07)
☒ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

- ☐ Wrongful termination (36)
☐ Other employment (15)

Contract

- ☐ Breach of contract/warranty (06)
☐ Collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

- ☐ Eminent domain/inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

- ☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

- ☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 1800-1812)

- ☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

- ☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Type of remedies sought (check all that apply):

- a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): 4 Americans with Disabilities Act; Unruh Civil Rights Act; CA Disabled

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 08-21-06

MARK D POTTER

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers

If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 5 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. You do not need to submit a cover sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 201.8(c) and 227 of the California Rules of Court.

To Parties in Complex Cases

In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 1800 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES**Auto Tort**

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 1800–1812)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition

1010224

EXHIBIT "B"

MONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

SALVATORE NAVARRA, TRUSTEE OF THE NAVARRA SURVIVOR'S TRUST DATED NOVEMBER 9, 1989; ANTHONY G. NAVARRA, TRUSTEE OF THE ANTHONY G. NAVARRA SEPARATE PROPERTY TRUST DATED JANUARY 13, 2000; ADELLINE M. MASSA; JACK ROBERT WILSON, DOING BUSINESS AS PARADISE ANTIQUES & INTERIORS, and DOES 1 through 100, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTA DEMANDANDO EL DEMANDANTE):

CHRIS LANGER

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

2006 AUG 24 AM 11:49
CLERK OF SUPERIOR COURT
SAN DIEGO COUNTY, CA

You have 30 CALENDER DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tine 30 DIAS DE CALENDARIO despues de que le entregan esta citacion y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefonica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y mas informacion en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede mas cerca. Si no puede pagar la cuota de presentacion, pida al secretario de la corte que le de un formulario de exencion de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podra quitar su sueldo, dinero y bienes sin mas advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remision a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniendose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y direccion de la corte es):

Superior Court of San Diego County
330 West Broadway
San Diego, CA 92101

CASE NUMBER:
(Numero del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la direccion y el numero del telefono del abogado del demandante, o del demandante que no tiene abogado, es):

Mark D. Potter

Center for Disability Access, LLP

100 E San Marcos Blvd #400

San Marcos, CA 92069

PHONE: (760) 480-4162

DATE: AUG 24 2006
(Fecha)

Clerk, by M Heaton
(Secretario)

Deputy
(Adjunto)

(For Proof of service of this summons, use Proof of Service of Summons (form POS-010))

(Para prueba de entrega de esta citacion use el formulario Proof of Service of Summons, (POS-010).)

(Seal)

NOTICE TO THE PERSON SERVED: You are served

1. ☒ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

*Salvatore Navarra, Trustee of the Navarra
Survivors Trust Dated November 9, 1989*

3. ☒ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ Other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

SUMMONS

Exhibit B-1

MONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

SALVATORE NAVARRA, TRUSTEE OF THE NAVARRA SURVIVOR'S TRUST DATED NOVEMBER 9, 1989; ANTHONY G. NAVARRA, TRUSTEE OF THE ANTHONY G. NAVARRA SEPARATE PROPERTY TRUST DATED JANUARY 13, 2000; ADELLINE M. MASSA; JACK ROBERT WILSON, DOING BUSINESS AS PARADISE ANTIQUES & INTERIORS, and DOES 1 through 100, inclusive,

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTA DEMANDANDO EL DEMANDANTE):
CHRIS LANGER

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

1ST COUNTY DIVISION

2006 AUG 24 AM 11:49

CLERK - SUPERIOR COURT
SAN DIEGO COUNTY, CA

You have 30 CALENDER DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tine 30 DIAS DE CALENDARIO despues de que le entreguan esta citacion y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefonica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y mas informacion en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede mas cerca. Si no puede pagar la cuota de presentacion, pida al secretario de la corte que le de un formulario de exencion de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podra quitar su sueldo, dinero y bienes sin mas advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remision a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servivios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) or poniendose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y direccion de la corte es):

Superior Court of San Diego County
330 West Broadway
San Diego, CA 92101

CASE NUMBER:
(Numero del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la direccion y el numero del telefono del abogado del demandante, o del demandante que no tiene abogado, es):

Mark D. Potter
Center for Disability Access, LLP

100 E San Marcos Blvd #400
San Marcos, CA 92069

PHONE: (760) 480-4162

DATE: **AUG 24 2006**
(Fecha)

Clerk, by _____
(Secretario)

M Heaton

Deputy
(Adjunto)

(For Proof of service of this summons, use Proof of Service of Summons (form POS-010))

(Para prueba de entrega de esta citation use el formulario Proof of Service of Summons, (POS-010).)

[Seal]

NOTICE TO THE PERSON SERVED: You are served

1. ☒ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ Other (specify):

4. ☒ by personal delivery on (date):

SUMMONS

Exhibit B-2

PROOF OF SERVICE

United States District Court)
Southern District of California)

ss. Langer v. Navarra
Case No.

I, Richard J. Vattuone, the undersigned, declare under penalty of perjury that I am over the age of 18 years and am not a party to this action. I reside in the County of San Diego, State of California; my business address is 7817 Herschel Avenue, Suite 201, La Jolla, California 92037. On September 15, 2006, I served the following document(s):

NOTICE OF REMOVAL OF ACTION

by mailing a copy with first class postage to the offices of:

M. Eric Parkan, Esq.
100 E. San Marcos Blvd., Suite 400
San Marcos, CA 92069-2988

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this proof of service was executed on September 15, 2006, at San Diego, California.


Richard J. Vattuone

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Chris Langer

(b) County of Residence of First Listed Plaintiff San Diego
(EXCEPT IN U.S. PLAINTIFF CASES)

'06CV 1895 W NLS

(c) Attorney's (Firm Name, Address, and Telephone Number) M. Eric Parken, Esq. 480-5462
60 E. San Marcos Blvd San Marcos, CA 92069

DEFENDANTS Salvatore Iavarone
Anthony Iavarone, Aceline Iavarone
Jack Robert Wilson

County of Residence of First Listed Defendant San Diego
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) Richard C. Vattuone, Esq.
7817 Herschel Ave
San Jose, CA 95128

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input checked="" type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding

☒ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from another district (specify)

☐ 6 Multidistrict Litigation

☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. 1201, et seq.

Brief description of cause: ADA Access

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE 15 Sep 06

SIGNATURE OF ATTORNEY OF RECORD [Signature] Vattuone

FOR OFFICE USE ONLY

RECEIPT # 129327 AMOUNT \$350 APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

SEL 9/15/06

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information by law, except as provided by local rules of court of the Clerk of Court for the purpose of initiating filed. The attorney filing a case should complete

I. (a) Plaintiffs-Defendants. Enter names of the full name or standard abbreviations. If the plaintiff both name and title.

(b) County of Residence. For each civil case of filing. In U.S. plaintiff cases, enter the name of the county of residence of the "defendant" is the

(c) Attorneys. Enter the firm name, address in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is of the boxes. If there is more than one basis of United States plaintiff. (1) Jurisdiction based on United States defendant. (2) When the plaintiff Federal question. (3) This refers to suits under Constitution, an act of Congress or a treaty of the 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits of different parties must be checked. (See Section

III. Residence (citizenship) of Principal Party for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box to enable the deputy clerk or the statistical clerk to enter the most definitive.

V. Origin. Place an "X" in one of the seven boxes. Original Proceedings. (1) Cases which originally

Removed from State Court. (2) Proceedings in which removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box if

Reinstated or Reopened. (4) Check this box if

Transferred from Another District. (5) For cases involving litigation transfers.

Multidistrict Litigation. (6) Check this box when checked, do not check (5) above.

Appeal to District Judge from Magistrate Judge

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES
DISTRICT COURT
Southern District of California
San Diego Division

129327 - A1
September 15, 2006

Code	Case #	Qty	Amount
CV086900	3-06-CV-1895		60.00 CC
Judge	WHELAN		
CV086400			100.00 CC
CV510000			190.00 CC

Total -> 350.00

FROM: CIVIL FILING
LANGER V. NAVARRA ET AL
AMX AUTH# 521365
SH

vice of pleading or other papers as required in September 1974, is required for the use of the Clerk of Court for each civil complaint

defendant is a government agency, use only the first the agency and then the official, giving

where the first listed plaintiff resides at the time of filing. (NOTE: In land condemnation cases,

attorneys, list them on an attachment, noting

be shown in pleadings. Place an "X" in one

United States are included here.

this box.

of the United States, an amendment to the plaintiff or defendant code takes precedence, and box

When Box 4 is checked, the citizenship of the parties.

citizenship was indicated above. Mark this section

if the cause of action, in Section VI below, is sufficient cause fits more than one nature of suit, select

28 U.S.C., Section 1441. When the petition

the date of remand as the filing date.

the date as the filing date.

is for within district transfers or multidistrict

Title 28 U.S.C. Section 1407. When this box

decision.